SIKKIM

GOVERNMENT GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok **Tuesday 22nd April, 2008** **No. 139**

LAND REVENUE & DISASTER MANAGEMENT DEPARTMENT
GOVERNMENT OF SIKKIM
GANGTOK

No:12/60/UNDP/LR&DMD/2008 **Dated: 3.04.2008.**

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 78 of the Disaster Management Act.2005 (No 53 of 2005) the State Government hereby makes the following rules namely:-

1 . Short title and commencement

(1). These rules may be called the Sikkim State Disaster Management Rules, 2007.

(2). They shall come into force at once.

2. Definitions

(1) In these rules, unless the context otherwise requires, -

a) "Act" means the Disaster Management Act, 2005 (No 53 of 2005);

b) "affected area" means an area or any part of the State affected by a disaster;

c) "District Authority" means the District Disaster Management Authority constituted under sub-section (1) of section 25 of the Act.

d) "District Plan" means the plan for disaster management for the district prepared under section 31 of the Act;

e) "local authority" includes Panchayati Raj Institutions, Gram Panchayats, Block Panachayats, District Panchayats, Corporations, Municipalities, Town Planning Authority or any other body or authority, by whatever name called, for the time being invested by law, for rendering essential services or, with the control and management of civic services, within a specified area;

f) "section" means a section of the Act;

g) "State Authority" means the Sikkim State Disaster Management Authority established under sub-section (1) of section 14 of the Act;

h) "State Executive Committee" means the Executive Committee of a State Authority constituted under sub-section (1) of section 20 of the Act;

i) "State Government" means the Department of Government of the State having administrative control of disaster management.

j) "State Plan" means the plan for disaster management for the whole of the State prepared under section 23.

(2) Words and expressions used herein and not defined in these rules but defined in the Act shall have the meaning respectively assigned to them in the Act.

3. Composition Of the State Disaster Management Authority

(1) The State Disaster Management Authority shall consist of the following members, namely:-

a) The Chief Minister who shall be the Chairperson of the State Disaster Management Authority, *ex-officio*;
b) The Minister for Land Revenue & Disaster Management Department shall be the Vice-chairperson of the State Disaster Management Authority, *ex-officio*;
c) The Chairperson of the State Executive Committee, *ex-officio;*
d) Principal Secretary, Land Revenue& Disaster Management Department, *ex-officio*;
e) Principal Secretary, Home Department, *ex-officio*;
f) One faculty from the Department of Land Revenue and Disaster Management, *ex-officio*;
g) Three Scientists/experts in the field of disaster management; *ex-officio*;

(2) The Secretary/Additional Secretary, Disaster Management Department shall be the Convener of the State Authority.

(3) The members of the State Authority falling under items (f) and (g) of sub-rule (1)shall be nominated by the Government.

4. Disqualification

No person shall be a member of the State Authority, who :-

a) Is, or at any time has been adjudged insolvent; or
b) Is declared to be of unsound mind by a competent court; or
c) Becomes incapable of acting as a member; or
d) Is or has been convicted of an offence which in the opinion of the State Government involves moral turpitude;
e) Is, or has been removed or dismissed from the service of Government or body corporate owned or controlled by the State or Central Government.

5. Resignation

Any member of the State Authority may by writing under his hand, addressed to the Chairperson of the State Authority, resign from his office and such resignation shall take effect on the day the same is accepted by the Chairperson.

6. Vacancies

Where a vacancy occurs in the office of a member of the State Authority by reason of resignation, disqualification, and death or otherwise, the vacancy may be filled up by fresh nomination and he shall hold the office for the remaining period of such a member.

7. Headquarters of the State Authority

The headquarters of the Sate Authority shall be a Gangtok.

8. Meeting of the State Authority

(1) The State Authority shall meet as and when necessary and at such time and place as the State the Chairperson of Authority may deem fit

(2) The Chairperson of the State Authority shall preside over the meetings of the State Authority.

(3) If for any reason the Chairperson of the State Authority is unable to attend the meeting of the State Authority the Vice-Chairperson of the State Authority shall preside over the meeting.

(4) The quorum of the meeting of the State Authority will be one third of its members.

(5) The members of the State Authority shall be paid such allowances as are applicable to Class I officers of the State Government.

9. Staff of the State Authority

For carrying out the functions of State Authority, the State Government shall appoint such officers, consultants and employees, as it considers necessary

10. Constitution of Advisory Committee by the State Authority

(1) The State Authority may, as and when it considers necessary constitute an Advisory Committee ,consisting of experts in the field of Disaster management and having practical experience of Disaster management to make recommendations of different aspects of Disaster Management.

(2) The members of the Advisory Committee shall be paid such traveling allowances and daily allowances at the same rates are as admissible to a Class I Officer of the Government.

11. State Executive Committee

(1) The State Government shall constitute a State Executive Committee to assist the State Authority in the performance of its functions and to co-ordinate action in accordance with the guidelines laid down by the State Disaster Management Authority and ensure the compliance of directions issued by the State Government, under the Action;

(2) The State Executive Committee shall consist of the following members, namely –

a) Chief Secretary to the State Government, who shall be Chairperson, *ex-officio*;

b) Secretary, Land Revenue& Disaster Management Department, *ex-officio;*
c) Secretary, Finance Revenue & Expenditure Department, *ex-officio;*
d) Secretary, Home Department, *ex-officio;*
e) Secretary, Health Department, *ex-officio*;

(3) The Secretary to Government, Land Revenue& Disaster Management Department shall be the Convener of the State Executive Committee.

12. Procedure to be followed by the State Executive Committee

(1) The Chairperson of the State Executive committee may, as and when required in the implementation of the directions of the State Government seek guidance from the StateAuthority as to the modalities of such implementation.

(2) The Chairperson of the State Executive Committee shall, in case of emergency have the power to exercise all or any of the powers of the State Executive Committee but exercise of such powers shall be subject to ratification by the State Executive Committee.

(3) The Chairperson of the State Executive Committee shall preside over the meetings of the State Executive Committee. Provided that in the case of his inability to preside over any meeting of the State Executive Committee, he shall nominate one of the members of the State Executive Committee to preside over the meeting.

(4) The Chairperson of the State Executive Committee shall decide the day, time and place of a meeting of the State Executive Committee.

(5) The State Executive Committee shall meet as often as necessary, but at least once in three months.

(6) The State Executive Committee shall give notice of its meeting and circulate its agenda at least three days in advance. But in an emergency situation, the State Executive Committee shall meet immediately to take decisions to meet such situations.

(7) The State Executive Committee shall forward the minutes of every meeting to the State Authority.

(8) The Chairperson of the State Executive Committee shall exercise such powers and perform such functions as provided in the Act.

(9) The State Executive Committee may regulate its own procedure to be followed in matters, which are not specified in the rule in exercising its powers and discharge of its functions.

13. Constitution of Sub- Committee

(1) The State Executive Committee may, as and when it considers necessary, constitute one or more sub-committees, for efficient discharge of its functions;

(2) The State Executive Committee shall, from amongst its members, appoint Chairperson of the sub-committee referred to in sub-rule (1);

(3) Any person associated as an expert with any sub-committee may be paid such allowances as are applicable to class I officers of the State Government.

14 . District Disaster Management Authority

(1) The State Government may constitute a District Disaster Management Authority for each

(2) The District Authority shall consists of the Chairperson and the following other members namely –

a) District Collector of the district concerned, who shall be the Chairperson, *ex-officio*;
b) Adakshya of Zilla Panchayat, who shall be the Co-Chairperson, *ex-officio;*
c) The Chief Executive Officer of the District Authority, *ex-officio;*
d) The Superintendent of Police, *ex-officio;*
e) The Chief Medical Officer of the district, *ex-officio*;
f) Two other district level officers, to be appointed by the State Government, *ex-officio.*

(3) The State Government shall appoint an officer not below the rank of Additional District Collector, or Sub Divisional Magistrate of the concerned district as the Chief Executive Officer of the District Authority.

15. Powers and Functions of the Chairperson and Co- Chairperson of District Authority

(1) The Chairperson of the District Authority shall, in addition to presiding over the meetings of the District Authority exercise and discharge such powers and functions of the District Authority as the District Authority may delegate to him

(2) The Chairperson of the District Authority shall, in the case of an emergency, have power to exercise all or any of the powers of the District Authority but the exercise of such powers shall be subject to ex post facto ratifications of the District Authority.

(3) The District Authority or the Chairperson of the District Authority may, by general or special order, in writing, delegate such of its or his powers and functions, under sub-rules (1) or (2), as the as may be, to the Chief Executive Officer of the District Authority subject to such conditions and limitations, if any, as it or he deems fit.

16 Meeting of the District Authority

The District Authority shall meet as and when necessary and at such time and place as the Chairperson may think fit.

17. Constitution of Committees

(1) The District Authority may, as and when it considers necessary, constitute one or more advisory committees and other committees for the efficient discharge of its function

(2) The District Authority shall, from amongst its members, appoint the Chairpersons of the Committee referred to in sub-rule (1).

(3) Any person associated as an expert with any committee or sub-committee constituted under sub-rule (1) as may be paid such traveling allowances and daily allowances at the same rates as are as admissible to a Class 1 Officer of the State Government.

18. Appointment of officers and other Employees of District Authority

The State Government shall provide the District Authority with such officers, consultants and the employees, as it considers necessary for carrying out the functions of District Authority.

R.P.CHINGAPA
LAND REVENUE & DISASTER MANAGEMENT DEPARTMENT
GOVERNMENT OF SIKKIM

S.G.P.G. - 139/ Gazette/ 150 Cps./ 22.04.2008